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# **China, People's Republic of**

## **Food and Agricultural Import Regulations and Standards**

### **China FAIRS Report Working Index**

### **2001**

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#### **Report Highlights:**

**This report is the *China Food and Agricultural Import Regulations and Standards Working Index*. It is an index of all the food and food import regulations that have been translated by the Agricultural Affairs Office of the US Embassy in Beijing. All translations are UNOFFICIAL.**

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Includes PSD changes: No  
Includes Trade Matrix: No  
Annual Report  
Beijing [CH1], CH

## **People's Republic of China**

# **Food & Agriculture Import Regulations & Standards (FAIRS)**

## **Report Working Index**

This report is the *China Food and Agricultural Import Regulations and Standards (FAIRS) Working Index*. It is a working index of all regulations and standards pertaining to food and food imports that have been translated by the Agricultural Affairs Office of the U.S. Embassy in Beijing.

Each regulation and standard is now contained in a separate report on the GAIN system. These reports can be accessed on the Foreign Agricultural Service web site at "[www.fas.usda.gov](http://www.fas.usda.gov)" under the Attache Reports section. Readers can search for reports of interest by name or document number (CHXXXX).

This working index will be updated when new regulations and standards are issued by the People's Republic of China and when existing regulations and standards are amended. Please check the FAS web site periodically for the most current index.

Please note that these translations are UNOFFICIAL and should be used as guidelines only. Exporters are advised to thoroughly discuss all regulatory and implementation details with their PRC customers, and to keep in mind that the Chinese regulatory system is not always predictable. Many regulations are short on detail, and interpretations can differ from port to port.

The date next to the report is the publication date of the Chinese version that has been translated. The Import Procedures and Appendix sections refer to reports produced by USDA offices in China.

For answers to specific questions, U.S. exporters are encouraged to contact any of the FAS offices in China, or the Foreign Agricultural Service in Washington, DC:

USDA FAS International Trade Policy in Washington D.C.

Food Safety and Technical Services Division

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**Agricultural Trade Office Shanghai**

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**Animal Plant Health Inspection Service**

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## **I Food Laws**

- *Food Hygiene Law* - CH1042 - Translated version: October 30, 1995

This law governs hygiene for all food, food additives, food containers, packaging materials, instruments, equipment, detergents and disinfectants, as well as food production and marketing operations, locations, and facilities. The Public Health Administration of the State Council is the statutory authority responsible for this law.

## **II Labeling Requirements**

- *Food Labeling Standard* - CH1043 - Translated version: February 4, 1994

This Standard governs food labeling for all food related items for sale in China's domestic market. Labels must be in Chinese and indicate the name brand of the food, ingredients and other contents, shelf life, manufacturer or distributor, quality, and industry standards. These articles specify that labels for imported foods must indicate the country of origin and the name and address of the Chinese distributor. This standard adopts 1991 CODEX STAN 1.

- *Import-Export Food Labeling Management Regulation* - CH1044 - Translated version: February 15, 2000

This Regulation applies to the labels of all imported or exported foods. It provides for more stringent verification and inspection for the enforcement of import and export food product labeling. Also, the regulation streamlines previous requirements and provides for greater control over false, counterfeit, or poor quality products. China's national State Administration for Entry-Exit Inspection and Quarantine (formerly CIQ) has undergone a merger to become the State Administration for Quality Supervision, Inspection, and Quarantine (AQSIQ). Customs Inspection and Quality offices (CIQ) at the provincial levels have not completed the merger. National AQSIQ and provincial CIQ offices have statutory authority over the inspection of import or export food labels.

- *Special Nutritional Food Labeling Standard* - CH1045 - Translated version: April 8, 1992

This standard refers to and adopts (CAC) CODEX STAN 146-1985 “Standard For the Labeling and Notation of Pre-packaged Special Purpose Foods” announced by the FAO/WHO Food Law Committee. This Standard governs all labeling requirements for foods and materials that are for domestic sale and directed at specific consumers; for example, infants, elderly, etc. This standard is proposed by China National Food Industry Standardization Technology Committee. This committee is formed by several ministries and responsible to the State Council.

### III Food Additive Regulations

- *Food Additive Hygiene Standard* - CH1046 - Translated version: December 29, 1996

This Standard identifies food additives that are permitted for use. The standard governs the use, extent, and dosage of existing categories of food additives used in China. Food additives not mentioned in this standard and food additives not approved for extension to foods may still be subject to regulation and registration. The Ministry of Health is the regulatory body with statutory authority over food additives.

### IV Pesticide and Other Contaminants

- *Pesticide and Other Contaminant Residue Limits* - CH1047 - Translated version: 1999

These limits, specified by the Ministry of Health, identify pesticide limits that are permitted for use on commodities. Pesticide residue limits that are not specified may be specified in contracts between food or food material buyers and sellers. This list contains the 94 published maximum residue limits. An internal Chinese government memorandum lists a total of 126 pesticide maximum residue limits. This list is not yet published. The 32 remaining pesticides, although not published, are still subject to enforcement. The internal memorandum also provides more specific commodity distinctions.

### V Other Regulations and Requirements

- *Agriculture Law* - CH1048 - Translated version: July 2, 1993

This law is the general framework for all of China’s agricultural related laws. The State Council is now considering amendment and revision to this law. Post is not aware of any specific changes that are being considered, however, any future amendments to this law will be general in scope, as well.

- *Health Food Standard* - CH1049 - Translated version: February 28, 1997

This Standard provides guidelines for the manufacturing, labeling, and hygiene of the health (functional) food industry in China. The Standard provides some specific requirements for imported health (functional) foods for the Chinese domestic market. The Department of Hygiene under the State Council (also known as the Ministry of Health) is the statutory authority responsible for this regulation.

- *Administration Regulation for Health Food* - CH1050 - Translated version: June 1, 1996.

This Regulation provides the administration regulations for the examination and approval, production, marketing, and supervision of the health (functional) food industry. Several articles address specific approvals and requirements for imported health (functional) foods. The Ministry of Health is the statutory authority responsible for monitoring this regulation.

- *Animal and Plant Entry and Exit Law* - CH1051 - Translated version: October 30, 1991

This Law establishes the general guidelines for the import, export, and transit quarantine for animals, plants and the respective method of transport. The United States and China continue to actively engage one another in bilateral phytosanitary talks and protocols. For specific quarantine problems, contact the USDA's Animal and Plant Health Inspection Service Office in Beijing at telephone: (86-10) 6505 4575 and fax: (86-10) 6505 4574. The Animal and Plant Quarantine Department of the State Council has statutory authority over this Law.

- *Seed Law Implementation Regulations* - CH1052 - Translated version: February 13, 2001

This set of Implementation Regulations for the Seed Law provides the five decrees from the Ministry of Agriculture; including Decree 44: Measures for the Examination and Approval of Major Crop Varieties, Decree 48: Measures for the Administration of Crop Seed Production License and Management License, Decree 49: Measures for the Labeling of Crop Seeds, Decree 50: Measures for the Processing and Packaging of Seeds, and Decree 51: Measures for the Scope of Major Crops. The Ministry of Agriculture has statutory authority over the Seed Law.

- *Fisheries Law* - CH1053 - Translated version: October 31, 2000

The scope of this Law includes improving the management of China's fishery resources, development of the aquaculture and fishing industry, and enforcement measures over China's fishing and aquaculture resources. Several articles address import and export of fry, fingerling, and the inspection of imported fishing vessels. The Administrative Department for Fisheries under the State Council has statutory authority over this law.

- *Forestry Law* - CH1054 - Translated version: April 29, 1998

The Law governs the use of land and materials in forest areas for shelter forests, timber forests, economic forests, firewood forests, and forests for special use. The Law also provides for forest management and administration, forest protection, tree planting and afforestation, and measures for sanctions. The State Forestry Administration under the State Council has statutory authority over this law.

- *Consumer Protection Law* - CH1055 - Translated version: January 1, 1994

Unofficial English language text of the Consumer Protection Law for the People's Republic of China can be found at the web site: "<http://www.qis.net/chinalaw>". The law was adopted by the National People's Congress in October 1993 and implemented January 1, 1994. The law guarantees consumers rights', details business operators' obligations and legal responsibilities, and outlines procedures for dispute resolution.

- *Agricultural Genetically Modified Organisms Safety Administration Regulation* - CH1056 - Translated version: June 6, 2001

The scope of this regulation specifies the management, production, distribution, and use of genetically modified organisms (GMOs) in agriculture. The regulation requires Safety Certification and labeling for all types of domestic or imported GMOs. Text in the regulation is vague and does not provide direction for several procedural measures. This Regulation will be followed by an Implementation Regulation that should clarify some points. The Agriculture Administrative Department of the State Council has statutory authority over this regulation. This department is comprised from representatives from several of China's ministries.

- *Imported Feed and Feed Additive Registration Regulation* - CH1057 - Translated version: August 17, 2000  
This regulation is designed to protect animal safety and strengthen supervision of imported feed and feed additives. Foreign feed and feed additive enterprises and products must be registered prior to selling products in the People's Republic of China. This regulation details the application procedure for registration. The Ministry of Agriculture has statutory authority over this regulation.
- *Fruit Entry Quarantine Regulation* - CH1058 - Translated version: December 9, 1999  
This Regulation applies to imported fresh fruits and tomatoes, eggplants, and the genus Capsicum and relevant packaging. The Regulation details the quarantine application, quarantine inspection, and quarantine supervision procedures for importers of the above mentioned items. The State Administration for Entry-Exit Inspection and Quarantine (CIQ) has now merged with the State Administration for Quality Supervision, Inspection, and Quarantine (AQSIQ). Provincial level offices or port CIQ's have not completed this merger. AQSIQ and the port CIQ have statutory responsibility for this regulation.
- *Catalogue for the Guidance of Industries for Foreign Investment* - CH1074 - Translated version: December 31, 1997  
This Catalogue lists general industries where foreign investment is encouraged, restricted, and prohibited. This Catalogue is published by the State Planning Commission, the State Economic and Trade Commission, and the Ministry of Foreign Trade and Economic Cooperation. The scope of the material is general and many of the details have not been completed or published. A new version of the Catalogue is under discussion.

## VI Other Specific Standards

- *"Green Food" Standard* - CH1059 - Translated version: October 1997  
Green Food, a term similar in meaning to Organic Food, is under the scope of this standard. The Standards are published in a handbook that provides for the appropriate classification, use, and requirements for food products to be labeled "Green Food" and sold on the domestic market. The Standard specifies the environment, fertilizers, pesticides, and other chemicals and the respective dosages that can be used on foods and carry the green food label. The Ministry of Agriculture is the regulating authority for this standard.
- *Fresh and Frozen Poultry Product Regulation* - CH1060 - Translated version: December 29, 2000  
This standard details the technical requirements for testing, hygiene, labeling, packaging, and storage requirements for fresh and frozen poultry products. The Ministry of Health has statutory responsibility for this standard.
- *Soft Drink Classification Standard* - CH1061 - Translated version: December 17, 1996  
This standard establishes classifications for the following beverage drinks that are produced or marketed in China: carbonated drinks, fruit juices (pulp) and drinks, vegetable juice and drinks, drinks containing milk, vegetable protein drinks, bottled water, tea drinks, powdered drinks, specific drinks, and other drinks. The standard conforms to CODEX requirements. The State Bureau of Technical Supervision for the People's Republic of China has regulatory authority over this standard.
- *Quarantine Requirements for Logs* - CH1062 - Translated version: February 6, 2001  
The circular announces requirements for pest-free Phyto-sanitary certification and treatment on all log imports with or without bark. The State Administration for Quality Supervision, Inspection, and Quarantine (AQSIQ) has statutory authority over the import and export of logs.

- *Guangdong Province Regulation on the Manufacture or Sale of False, Counterfeit, or Inferior Goods* - CH1063 - Translated version: September 24, 1999

This regulation provides the guidelines for products that are considered false, counterfeit, or inferior and implements measures to strengthen administration and law enforcement against illegal production, manufacturing, and trade in Guangdong Province. The regulation also provides stricter enforcement measures and penalties. Guangdong province Public Security Administration has statutory authority for enforcing this regulation.

## VII Copyright and/or Trademark Laws

- *Copyright Law Implementation Regulation* - CH 1064 - Translated version: September 7, 1990

The document is an Unofficial translation and summary of China's Copyright Law Implementation Regulations. The Implementation Regulations provide procedural measures that follow China's Copyright Law. The Copyright Law can be viewed at the web site: "<http://www.qis.net/chinalaw>". In March 1992, China established bilateral copyright relations with the U.S. and in October 1992 acceded to both the Berne Convention and the Universal Copyright Convention. The Copyright Administrative Department of the State Council has statutory authority over this regulation.

- *Trademark Law Summary and Article* - CH1065 - Translated version: February 22, 1993

The following is a summary of China's Trademark Law. Information about the Trademark Law and Implementation Regulations can be found at the China Intellectual Property Net web site, "<http://www.cnipr.com>". English text of China's Trademark Laws along with other laws may be found at the following web site: "<http://www.qis.net/chinalaw>". English language versions of the law are available at China's larger bookstores.

- *Patent Law* - CH1066 - Translated version: August 8, 2000

Changes were implemented on July 1, 2001. English text of China's previous Patent Law and the texts of several other laws may be found at the web site "<http://www.qis.net/chinalaw>". China acceded to the patent cooperation treaty on January 1, 1994, and will perform international patent searches and preliminary examinations of patent applications. Under the patent law, foreign parties must utilize the services of a registered Chinese agent to submit the patent application. Preparation of the application may be done by foreign attorneys or a Chinese agent. Patent right application and approval for a foreigner must be granted by a committee of the State Council.

## VIII Import Procedures

- *Import Procedures* - CH1067 - Information from USDA FAS ATO Shanghai: 1999

This text provides an outline of import procedures for goods into China. Along with explaining some of the requirements, the text provides further insight and recommendations regarding some aspects of Chinese business culture.



## **IX Appendix A**

- *Government Regulatory Agencies Contact Information* - CH1068 - Information from: October 31, 2001  
This is a list of Chinese regulatory agencies that USDA offices in China have as contacts.

## **X Appendix B**

- *Import Specialist Contact Information* - CH1069 - Information from: October 31, 2001  
This is a list of import specialist contact information; including product specific information, testing laboratories, useful electronic commerce web sites, and USDA China offices.